IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: C. Thomas Hendrickson
Serial Number: 10/642,865
Filing Date: August 18, 2003
Title: TECHNIQUES FOR VALUING, INSURING, AND CERTIFYING A VALUATION OF LANDSCAPE ARCHITECTURES

Docket No.: 076597.010100
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Examiner: VIG, Naresh

APPEAL BRIEF

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Commissioner for Patents
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Sir:

The brief is accompanied by the fee set forth in § 41.20(b)(2).

On March 3, 2010 Appellant filed a notice of appeal from the final rejection of claims 101-132 and 134-142 set forth in the Office Action dated September 3, 2009.

Table of Contents

I. Real party in interest 3

II. Related appeals and interferences 3

III. Status of claims 3

IV. Status of amendments 3

V. Summary of claimed subject matter 3

A. Independent Claim 101 and its Dependent Claims 4

B. Independent Claim 142 and its Dependent Claims 4

VI. Grounds of rejection to be reviewed on appeal 5

VII. Argument 6

A. Claims 101-132 and 134-142 are patentable under 35 U.S.C. §103(a) over the cited references 6

1. Summary of the Rejections 6

2. Applicable Law 6

3. The Claims Are Enabled Under 35 U.S.C. 112, First Paragraph .. 7

4. The Claims Are Patentable Under 35 U.S.C. 103(a) 7

VIII. Claims appendix 11

IX. Evidence appendix 27

X. Related proceedings appendix 27

XI. Conclusion 27

I. Real party in interest

The real party in interest is Horticultural Asset Management, Inc., 107 Edinburgh South Drive, Suite 205, Cary, NC 27511, which is the assignee of the entire right, title and interest in the above-identified patent application.

II. Related appeals and interferences

There are no other prior or pending appeals, interferences or judicial proceedings known to Appellant, the Appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of claims

Claims 101-132 and 134-142 are pending in this Application and have been finally rejected. Claims 63-100 and 143-144 stand withdrawn. Claims 1-62 and 133 were cancelled.

Appellants appeals the rejection of Claims 101-132 and 134-142.

IV. Status of amendments

All amendments have been entered. The claims were last amended on June 11, 2009.

V. Summary of claimed subject matter

Appellant provides the following concise explanation of the subject matter defined in Claims 101-132 and 134-142 with reference to the specification, as originally filed, by page and line number. The Application contains no drawings. The citations to the specification are not intended to be exhaustive and that other support for the various claims may also be found throughout the specification and drawings.

A. Independent Claim 101 and its Dependent Claims

Independent claim 101 is directed to a system for valuing landscape architectures that includes a data model and a processor operatively connected to the data model. The processor determines a future value associated with a landscape architectural object based on a material cost associated with the landscape architectural object and an installation cost associated with installing the landscape architectural object in a landscape architectural setting. The processor includes logic configured to determine an estimated growth rate associated with the landscape architectural object based on at least one of an attribute of the landscape architectural object and an attribute of the landscape architectural setting included in the data model.

B. Independent Claim 142 and its Dependent Claims

Independent claim 101 is directed to a computer readable medium containing a computer program for valuing landscape architectures. The computer program identifies a landscape architectural object, determines an estimated growth rate associated with the landscape architectural object, determines regional pricing information associated with at least one of the landscape architectural object and installing of the landscape architectural object in the landscape architectural setting, and determining at least one of a material cost associated with the landscape architectural object and an installation cost associated with installing the landscape architectural object based on the determined growth rate and regional pricing information. Finally, the computer program determines a future value associated with the landscape architectural object based on at least one of the material cost associated with the landscape architectural object and the installation cost associated with installing the landscape architectural object.

VI. Grounds of rejection to be reviewed on appeal

Claims 101, 103-132 and 134-142 stand rejected under 35 U.S.C. 112, first paragraph as not being enabled.

Claims 101, 103-107, 109-132, 134-137, and 139-142 stand rejected under 35 U.S.C. 103(a) over Guide For Plant Appraisal ("GPA") in view of Sklarz et al. U.S. Patent Application Publication 2002/0087389 ("Sklarz") and further in view of Yuyama et al. U.S. Patent No. 7,366,679.

Claim 108 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the GPA reference in view of Sklarz and further in view of Yuyama et al. U.S. Patent No. 7,366,679, and still further in view of Modern Real Estate Practice by Galaty et al. ("Galaty").

Claim 138 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the GPA reference in view of Sklarz and further in view of Yuyama et al. U.S. Patent No. 7,366,679, and still further in view of Tani et al. Japan Publication JP 2002288433 ("Tani").

VII. Argument

A. Claims 101-132 and 134-142 are patentable under 35 U.S.C. §103(a) over the cited references

1. Summary of the Rejections

Claims 101, 103-132 and 134-142 stand rejected under 35 U.S.C. 112, first paragraph as not being enabled.

Claims 101, 103-107, 109-132, 134-137, and 139-142 stand rejected under 35 U.S.C. 103(a) over Guide For Plant Appraisal ("GPA") in view of Sklarz et al. U.S. Patent Application Publication 2002/0087389 ("Sklarz") and further in view of Yuyama et al. U.S. Patent No. 7,366,679.

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Claim 138 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the GPA reference in view of Sklarz and further in view of Yuyama et al. U.S. Patent No. 7,366,679, and still further in view of Tani et al. Japan Publication JP 2002288433 ("Tani").

2. Applicable Law

It is well established that, in order to show obviousness, all limitations must be taught by the prior art. In Re Royka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973).

A patent composed of several elements is not proved obvious, however, merely by demonstrating that each of its elements was, independently, known in the prior art. KSR Int'l Co. v. Teleflex, 127 S.Ct 1727, 1741 (2007). As former Chief Judge Markey

of the Federal Circuit has stated, "virtually all inventions are 'combinations', and … every invention is formed of 'old elements' …. Only God works from nothing. Man must work with old elements." H.T. Markey, Why Not the Statute? 65 J. Pat. Off. Soc'y 331, 333-334 (1983).

The factfinder should be aware of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning. KSR Int'l Co. v. Teleflex, 127 S.Ct at 1742. In determining whether a claimed invention is an obvious combination of prior art references, it must be shown there is an apparent reason to combine the known elements in the fashion claimed. Id. at 1741. To facilitate review, this analysis should be made explicit. Id.

3. The Claims Are Enabled Under 35 U.S.C. 112, First Paragraph

Claim 101 recites, *inter alia*, a processor with logic configured to determine an estimated growth rate associated with a landscape architectural object. Claim 142 recites, *inter alia*, determining an estimated growth rate associated with a landscape architectural object. This invention does not lie in the procedure for estimating growth rate. Rather, that is merely one step that is appurtenant to the invention. It is respectfully submitted that persons of ordinary skill in the horticultural art, and even persons of less than ordinary skill in the art, know how to estimate the growth rate of a landscape object. Tables for doing so are widely available. In the context of Applicant's specification as a whole, persons of ordinary skill would certainly understand how to perform the growth rate estimation step.

4. The Claims Are Patentable Under 35 U.S.C. 103(a)

With respect to claim 101, none of the cited references teach or suggest a processor that includes logic pertaining to future values and growth rates. Therefore, amended claim 101 is distinguished from the cited references. Applicants respectfully assert that claim 101 and its dependants are patentable, and that the § 103 obviousness rejections must be withdrawn.

Applicants, respectfully disagree with the Examiner's characterization of the GPA reference vis-à-vis the present invention. The present invention relates to the

determination of the "future value" of landscape objects (plants) based on the cost of the plant itself and the cost to install the plant. In certain embodiments, the future value is determined by using the plants growth rate and the resulting increased size. Such a system uses individual growth rates and local growing conditions to determine the increased size of an existing plant. Then, based on the resulting size of the plant, average costs are considered in determining the replacement cost value of the plant assessed.

The GPA reference fails to teach or suggest the incorporation of plant growth estimates into a future valuation formula. In addition, the GPA reference fails to disclose the incorporation of environmental conditions to affect a future value of a plant. The GPA reference, as titled (Guide For Plant Appraisal), is intended as a plant appraisal instructional document. It is used typically by independent contractors who perform "appraisals" which are conducted for tax, insurance, and/or legal claims with regard to a damaging event. The entire reference focuses on appraising the current condition and value of landscapes after a damaging event.

In that respect, the GPA reference describes the methodology of evaluate a landscape before damage occurs and then reconsidering the landscape in the “after” condition in order to evaluate the loss of value. See Page 95 second paragraph. The damage is assessed and the landscape is evaluated to determine the cost of repairing or replacing the damaged landscape. The calculated cost is a present cost because it represents the valuation of the landscape, and/or of the damages, on the day of appraisal. In other words, it is the cost of the lost that would be required to compensate the owner today. This value determination is not a future valuation because it does not determine the cost of replacing the landscape sometime in the future. Thus, the GPA reference only describes the determination of the present value of landscapes after a damaging event. The cited reference, as a whole, fails to teach or suggest its application to determining a future value associated with existing landscape objects.

The present invention is further distinguished because the system creates a standardized criteria, values, and methodologies that enable a new asset class to be created. The asset class is used to offer products/services which were never envisioned by the authors of the GPA reference, the Council of Tree & Landscape Appraisers

(CTLA), or their affiliated arborist clientele. Among those products is a comprehensive insurance offering based on current and future values. Therefore, Applicants believe that such a system for valuing landscape to determine the future value of existing landscape is not obvious to one of ordinary skill in the art.

The Examiner has asserted that the GPA reference teaches determining future values of landscape objects using historical prices and recent sales on pages 96-97. However, those pages explicitly state that the cost and market approach discussed may be used to evaluate the damages and to compare value. This is a determination of the present value under the current conditions of the landscape. The cited pages fail to teach or suggest a determination of future values of landscapes.

Applicants reassert their arguments that while the GPA reference discloses, at pages 128-129, a method for determining a compounding cost for plants, this is not a future value but rather a present cost to compensate a owner today of a lost (large) plant that cannot be replaced with one of the same size. Such cost rolls up the current replacement cost of a smaller plant being installed with estimated maintenance costs and interest expense over a derived period of time. The calculated cost is a present cost, and not a future value. The formula disclosed in the GPA reference does not provide a future replacement cost value on an existing tree. Rather, it uses a financial instrument and estimate of annual costs to inflate the price of a smaller plant.

The GPA reference fails to teach or suggest the positively recited limitation of a future value associated with the landscape architectural object. The other cited references do nothing to cure this failure. The newly cited Yuyama reference does not relate to the field of landscape architecture management, and it is respectfully submitted that that reference is not within the same field of endeavor as the present invention. It is further submitted that it would not be obvious to a person of ordinary skill in the art to combine the Yuyama reference with the GPA reference, and that any such combination would be inoperable. It would be further non-obvious to take the teachings of the GPA reference, modify them with the teachings of the Yuyuma reference, and then take the modified result and further modify it with specific teachings from the Sklarz reference to yield the invention of independent claims 101 and 142.

In the Response to Arguments section of the Final Office Action the Examiner argues that Applicant's previously argued distinction was not positively recited in the claims. Applicant disagrees. The Examiner argues that the "determination of the 'future value' of landscape objects (plants) based on the cost of the plant itself and the cost to install the plant" is not positively recited in the claims. However, Applicant's claims do positively recite such limitation. Claim 101 clearly claims: "A system for valuing landscape architectures, the system comprising…a processor…the processor including logic configured to determine a future value associated with the landscape architectural object based on a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object." Claim 142 likewise is directed to "A computer readable medium containing a computer program for valuing landscape architectures, wherein the computer program comprises executable instructions for …. determining a future value associated with the landscape architectural object based on at least one of the material cost associated with the landscape architectural object and the installation cost associated with an installing of the landscape architectural object."

VIII. Claims appendix

1-62. (Cancelled)

63. (Withdrawn) A method for providing a landscape architecture valuation report, the method comprising:
determining a future value associated with at least one landscape architectural object as included in a landscape architectural setting;
identifying at least one attribute associated with the landscape architectural object; and
presenting in the report the future value and the at least one attribute associated with the landscape architectural object.

64. (Withdrawn)The method of claim 63, comprising
presenting in the report a developmental program including at least one of
a care instruction and a prescription care product associated with a development of each landscape architectural object.

65. (Withdrawn) The method of claim 64, wherein the prescription care product includes at least one of a nutritional substance, a protective substance, and a device associated with the development of the landscape architectural object.

66. (Withdrawn) The method of claim 65, wherein the nutritional substance includes at least one of a fertilizer, nitrogen, phosphate, and sulfur.

67. (Withdrawn) The method of claim 65, wherein the device includes at least one of a pruner, a hose, a shovel, an applicator, a power washer, a lawn mower, structural material, and a spreader.

68. (Withdrawn) The method of claim 65, wherein the protective substance includes at least one of mulch, a tree wrap, a mildewcide, a stain, a paint, a sealer, and a pesticide.

69. (Withdrawn) The method of claim 64, wherein the care instruction includes at least one of a prescribed temperature, rainfall amount, sunshine amount, slope, drainage, landscape density, shade-to-sun ratio, soil pH, soil salinity, soil hardness, soil compactness, soil texture, soil color, calcium carbonate (CaCO3) content, and maintenance associated with the development of the landscape architectural object.

70. (Withdrawn) The method of claim 64, comprising:
presenting an identity of a source of the prescription care product in the report.

71. (Withdrawn) The method of claim 64, comprising:
presenting an identity of an implementer of the developmental program in the report.

72. (Withdrawn) The method of claim 64, comprising:
determining a cost associated with the developmental program; and
presenting the cost associated with the developmental program in the report.

73. (Withdrawn) The method of claim 72, comprising:
determining an increase in the future value associated with an implementation of the developmental program; and
presenting the increase in the future value in the report.

74. (Withdrawn) The method of claim 63, comprising:
presenting a coupon associated with at least one of the landscape architectural object and the landscape architectural setting in the report.

75. (Withdrawn) The method of claim 63, comprising:
presenting an image of the landscape architectural object in the report.

76. (Withdrawn) The method of claim 63, wherein the attribute associated with the landscape architectural object includes at least one of an identity, a geographic location, a climate, a use, an installed cost, a hardiness, an active growth period, a fall conspicuous, a flower color, a flower conspicuous, a foliage color, a foliage porosity summer, a foliage porosity winter, a foliage texture, a fruit/seed color, a fruit/seed conspicuous, a growth form, a growth rate, a height, a maturity, a spread, a basal width, a container size, a leaf retention, a lifespan, a shape, an orientation, a soil adaptability, an anaerobic capacity, a calcium carbonate ($CaCO_3$) tolerance, a cold stratification, a drought tolerance, a fire tolerance, a frost tolerance, a hedge tolerance, a moisture use, a PH range, a planting density, a rainfall, a water usage, a root depth, a salinity tolerance, a shade tolerance, a temperature range, a bloom period, and a commercial availability associated with the landscape architectural object.

77. (Withdrawn) The method of claim 76, wherein the identity includes at least one of a genus, a species, a subspecies, a variety, a forma, a scientific name, a common name, a category, a family, a cultivar, an order, a class and a division associated with the landscape architectural object.

78. (Withdrawn) The method of claim 63, wherein the future value is based on at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object in a landscape architectural setting.

79. (Withdrawn) The method of claim 63, comprising:
categorizing the at least one landscape architectural object into an object
wherein the presenting is based on the categorized object type.

80. (Withdrawn) The method of claim 63, comprising:
gathering an inventory of at least one landscape architectural object
included in the landscape architectural setting; and

presenting the inventory in the report.

81. (Withdrawn) The method of claim 63, comprising:
determining insurance premium information based on the future value of the at least one landscape architectural object; and
presenting the insurance premium information in the report.

82. (Withdrawn) The method of claim 63, comprising:
identifying at least one attribute associated with the landscape architectural setting; and
presenting the at least one attribute associated with the landscape architectural setting in the report.

83. (Withdrawn) The method of claim 82, wherein the at least one attribute of the landscape architectural setting includes a geographic location, a temperature, a rainfall amount, a sunshine amount, a slope, a drainage, a landscape density, a shade-to-sun ratio, a soil pH, a soil salinity, a soil hardness, a soil compactness, a soil texture, a soil color, and a calcium carbonate ($CaCO_3$) content.

84. (Withdrawn) The method of claim 63, comprising:
gathering information associated with at least one of a user of information included in the report and an owner of the landscape architectural setting; and
presenting the information associated with the least one of a user and an owner in the report.

85. (Withdrawn) The method of claim 63, wherein the report is provided in connection with at least one of an implementation, a scheme, a plan, and a design of the landscape architectural setting.

86. (Withdrawn) The method of claim 63, wherein the report is provided in connection with at least one of an appraisal and an inspection of property associated with the landscape architectural object and the landscape architectural setting.

87. (Withdrawn) A method of insuring landscape architectures, the method comprising:
identifying a landscape architectural object;
determining a future value associated with the landscape architectural object based on at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object in a landscape architectural setting;
determining a risk-of-loss associated with the landscape architectural object; and
assigning a premium cost to the object based on the determined future value and risk-of-loss.

88. (Withdrawn) The method of claim 87, wherein the risk-of-lass is based on frequency-of-loss information.

89. (Withdrawn) The method of claim 88, wherein the frequency-of-loss information includes at least one of disaster, casualty, and replacement frequency-of-loss information.

90. (Withdrawn) The method of claim 87, wherein the risk-of-loss is based on severity-of-loss information.

91. (Withdrawn) The method of claim 90, wherein the severity-of-loss information includes at least one of disaster, casualty, and replacement severity-of-loss information.

92. (Withdrawn) The method of claim 87, comprising:
adjusting the premium cost based on a value of property associated with the landscape architectural object and the landscape architectural setting.

93. (Withdrawn) The method of claim 87, comprising:
adjusting the premium cost based on a total future value associated with a plurality of landscape architectural objects as included in the landscape architectural setting.

94. (Withdrawn) The method of claim 87, comprising:
adjusting the premium cost based on a total future value associated with a plurality of landscape architectural objects of a same object category as included in the landscape architectural setting.

95. (Withdrawn) The method of claim 87, wherein the assigning a premium cost comprises: adjusting the premium cost based on a comparison to an industry standard premium cost.

96. (Withdrawn) The method of claim 87, comprising:
identifying a standard for insuring the landscape architectural object;
wherein the premium cost is based on the identified standard for insuring.

97. (Withdrawn) A method for certifying a landscape architecture valuation, the method comprising:
identifying a landscape architectural object;
identifying a standard for valuing the landscape architectural object;
determining a future value associated with the landscape architectural object based on at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object in a landscape architectural setting according to the identified standard for valuing the landscape architectural object; and
creating a certified appraisal associated with the landscape architectural object based on the determined future value.

98. (Withdrawn) The method of claim 97, comprising:
identifying a standard for inspecting the landscape architectural object;
creating a certified inspection report associated with the landscape architectural object based can the identified standard for inspecting; and
adjusting the future value associated with the landscape architectural object based on the certified inspection report.

99. (Withdrawn) The method of claim 97, comprising:
identifying a standard for insuring the landscape architectural object;
creating a certified insurance arrangement associated with the landscape architectural object based on the determined future value and the identified standard for insuring.

100. (Withdrawn) The method of claim 97, comprising:
identifying a standard for lending using the landscape architectural object as collateral; and
creating a certified lending arrangement associated with the landscape architectural object based on determined future value and the identified standard for lending .

101. (Previously Presented) A system for valuing landscape architectures, the system comprising:
a data model including information associated with a landscape architectural object; and
a processor operatively coupled to the data model, the processor including logic configured to determine a future value associated with the landscape architectural object based on a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object in a landscape architectural setting, wherein the processor includes logic configured to determine an estimated growth rate associated with the landscape architectural object based on at least one of an attribute of the landscape architectural object and an attribute of the landscape architectural setting included in the data model.

102. (Cancelled)

103. (Previously Presented) The system of claim 101, wherein the attribute of the landscape architectural object included in the data model includes at least one of a hardiness, a disease susceptibility, an insect damage susceptibility, a height, a maturity, a spread, a basal width, a container size, a lifespan, a soil adaptability, an anaerobic capacity, a pollution tolerance, a drought tolerance, a fire tolerance, a frost tolerance, a precipitation range, a salinity tolerance, a shade tolerance, a drainage capacity, a shade-to-sun capacity, and a temperature tolerance.

104. (Previously Presented) The system of claim 101, wherein the attribute of the landscape architectural setting included in the data model includes at least one of a geographic location, a climate, an air quality, a pollution amount, a temperature, a rainfall amount, a sunshine amount, an atmospheric pressure, a wind amount, a slope, an altitude, a drainage, a landscape density, a shade-to-sun ratio, a soil pH, a soil salinity, a soil hardness, a soil compactness, a soil texture, a soil color, a calcium carbonate (CaCO3) content, and a moisture retention factor.

105. (Previously Presented) The system of claim 101, wherein the processor comprises:
logic configured to determine an environmental trend model based on environmental trend data included in the data model.

106. (Original) The system of claim 105, wherein the environmental trend data included in the data model includes at least one of temperature data, pollution data, water availability data, rainfall data, and drought data associated with the landscape architectural setting.

107. (Original) The system of claim 101, wherein the processor comprises:
logic configured to determine a size of the landscape architectural object based on the determined growth rate; and

logic configured to determine the material cost associated with the landscape architectural object based on the determined size.

108. (Original) The system of claim 101 wherein the processor comprises:
logic configured to determine a depreciation rate associated with the
landscape architectural object based on at least one of an attribute of the landscape architectural object and an attribute of the landscape architectural setting.

109. (Previously Presented) The system of claim 101, wherein the attribute of the landscape architectural object included in the data model includes at least one of a material type, a construction quality, a dimension, and a material finish.

110. (Previously Presented) The system of claim 101, wherein the attribute of the landscape architectural setting included in the data model includes at least one of a geographic location, a climate, an air quality, a pollution amount, a temperature, a rainfall amount, a sunshine amount, an atmospheric pressure, a wind amount, a slope, an altitude, a drainage, a shade-to-sun ratio, and a soil compactness.

111. (Original) The system of claim 101, wherein the processor comprises:
logic configured to determine regional pricing information associated with
the landscape architectural object and the installing of the landscape architectural object in the landscape architectural setting based on information included in the data model.

112. (Original) The system of claim 111, wherein the processor includes:
logic configured to aggregate pricing information associated with at least
one zip code included in the data model.

113. (Original) The system of claim 111, wherein the processor comprises:
logic configured to update periodically the regional pricing information
based on current regional pricing information associated with the landscape architectural object and the installing of the landscape architectural object in the

landscape architectural setting included in the data model.

114. (Original) The system of claim 111, wherein the regional pricing information included in the data model includes at least one of retail regional pricing information, wholesale regional pricing information, and industry standard pricing information associated with the landscape architectural object and the installing of the landscape architectural object in the landscape architectural setting.

115. (Original) The system of claim 111, wherein the retail regional pricing information included in the data model includes at least one of labor contracting quotes from at least one of industry publications and affiliated labor contractors, and information describing a time and a cost per unit of time associated with the installing of the landscape architectural object in the landscape architectural setting.

116. (Original) The system of claim 101, wherein the processor comprises:
logic configured to determine a macro-economic trend model based on macro-economic trend data included in the data model.

117. (Original) The system of claim 116, wherein the macro-economic trend data included in the data model includes at least one of “NASDAQ” data, "RUSSELL 2000" data, thirty-year treasury bill data, consumer price index data, "DOW JONES" industrial average data, “STANDARD AND POOR'S” data, gold pricing data, five-year treasury bill data, inflation data, crude oil pricing data, unemployment data, federal reserve data, ten-year treasury bill data, and minimum wage data.

118. (Original) The system of claim 101, wherein the processor comprises:
logic configured to determine a property value trend model based on property value trend data included in the data model.

119. (Original) The system of claim 118, where the property value trend data included in the data model includes at least one of a property sale price, an advertised property

price, an insured property value, a property type, a property grade, a lot size, a structure size, and a property tax assessment value associated with the landscape architectural setting.

120. (Original) The system of claim 101, wherein the processor comprises:
logic configured to adjust the future value based on a developmental program associated with a development of the landscape architectural object in the landscape architectural setting.

121. (Original) The system of claim 101, wherein the processor comprises:
logic configured to adjust the future value based on a prescription care program configured to address an abnormality in at least one of the landscape architectural object and landscape architectural setting.

122. (Original) The system of claim 101, wherein the processor comprises:
logic configured to adjust the future value based on a total future value associated with at least one of a plurality of landscape architectural objects and a plurality landscape architectural objects of a same object category as included in the landscape architectural setting.

123. (Previously Presented) The system of claim 101, wherein the processor comprises:
logic configured to determine a value associated with the landscape architectural object based on an aesthetic contribution of the object to the landscape architectural setting based on aesthetic data included in the data model.

124. (Original) The system of claim 123, wherein the aesthetic data included in the data model includes at least one of a spacing, a mass, an alignment, a color, a lighting, a shading, a texture, and a scent associated with the architectural landscape object; and at least one of a unity and variety, a rhythm and balance, an accent and contrast, a scale and proportion, a dimensionality, and a spatiality associated with the landscape architectural setting.

125. (Original) The system of claim 101, wherein the processor comprises:
logic configured to determine a present value of the landscape architectural object based on the determined future value of the object.

126. (Original) The system of claim 101, wherein the processor comprises:
logic configured to identify at least one attribute associated with the landscape architectural object included in the data model; and
logic configured to present a report including the future value and the at least one attribute associated with the landscape architectural object.

127. (Original) The system of claim l26, wherein the processor comprises
logic configured to present in the report a developmental program including at least one of a care instruction and a prescription care product data included in the data model associated with a development of each landscape architectural object.

128. (Original) The system of claim 127, wherein the prescription care product data included in the data model includes at least one of a nutritional substance, a protective substance, and a device associated with the development of the landscape architectural object.

129. (Original) The system of claim 127, wherein the processor comprises:
logic configured to present an identity of a source of the prescription care product in the report.

130. (Original) The system of claim 127, wherein the processor comprises:
logic configured to present an identity of an implementer of the developmental program in the report.

131. (Original) The system of claim 127, wherein the processor comprises:
logic configured to determine a cost associated with the developmental

program based on information included in the data model; and
logic configured to present the cost associated with the developmental program in the report.

132. (Original) The system of claim 127, wherein the processor comprises:
logic configured to determine an increase in the future value associated with an implementation of the developmental program; and
logic configured to present the increase in the future value in the report.

133. (Cancelled)

134. (Original) The system of claim 126, wherein the processor comprises:
logic configured to present an image of the landscape architectural object in the report.

135. (Original) The system of claim 126, wherein the attribute associated with the landscape architectural object included in the data model includes at least one of an identity, a geographic location, a climate, a use, an installed cost, a hardiness, an active growth period, a fall conspicuous, a flower color, a flower conspicuous, a foliage color, a foliage porosity summer, a foliage porosity winter, a foliage texture, a fruit/seed color, a fruit/seed conspicuous, a growth form, a growth rate, a height, a maturity, a spread, a basal width, a container size, a leaf retention, a lifespan, a shape, an orientation, a soil adaptability, an anaerobic capacity, a calcium carbonate (CaCO3) tolerance, a cold stratification, a drought tolerance, a fire tolerance, a frost tolerance, a hedge tolerance, a moisture use, a PH range, a planting density, a rainfall, a water usage, a root depth, a salinity tolerance, a shade tolerance, a temperature range, a bloom period, a genus, a species, a subspecies, a variety, a forma, a scientific name, a common name, a category, a family, a cultivar, an order, a class, a division and a commercial availability associated with the landscape architectural object.

136. (Original) The system of claim 126, wherein the processor comprises:

logic configured to categorize the at least one landscape architectural object into an object type;
wherein the presenting is based on the categorized object type.

137. (Original) The system of claim 126, wherein the processor comprises:
logic configured to gather an inventory of at least one landscape architectural object included in the landscape architectural setting; and
logic configured to present the inventory in the report.

138. (Original) The system of claim 126, wherein the processor comprises:
logic configured to determine insurance premium information based on the future value of the at least one landscape architectural object; and
logic configured to present the insurance premium information in the report.

139. (Original) The system of claim 126, wherein the processor comprises:
logic configured to identify at least one attribute associated with the landscape architectural setting included in the data model; and
logic configured to present the at least one attribute associated with the landscape architectural setting in the report.

140. (Original) The system of claim 139, wherein the at least one attribute of the landscape architectural setting included in the data model includes a geographic location, a temperature, a rainfall amount, a sunshine amount, a slope, a drainage, a landscape density, a shade-to-sun ratio, a soil pH, a soil salinity, a soil hardness, a soil compactness, a soil texture, a soil color, and a calcium carbonate (CaCO3) content.

141. (Original) The system of claim 126, wherein the processor comprises:
logic configured to gather information associated with at least one of a user of information included in the report and an owner of the landscape architectural setting; and
logic configured to present the information associated with the least one of

a user and an owner in the report.

142. (Previously Presented) A computer readable medium containing a computer program for valuing landscape architectures, wherein the computer program comprises executable instructions for:
identifying a landscape architectural object;
determining an estimated growth rate associated with the landscape architectural object;
determining regional pricing information associated with at least one of the landscape architectural object and the installing of the landscape architectural object in the landscape architectural setting;
determining at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object based on the determined growth rate and regional pricing information; and
determining a future value associated with the landscape architectural object based on at least one of the material cost associated with the landscape architectural object and the installation cost associated with an installing of the landscape architectural object.

143. (Withdrawn) A computer readable medium containing a computer program for providing a landscape architecture valuation report, wherein the computer program comprises executable instructions for:
determining a future value associated with at least one landscape architectural object as included in a landscape architectural setting;
identifying at least one attribute associated with the landscape architectural object; and
presenting in the report the future value and the at least one attribute associated with the landscape architectural object.

144. (Withdrawn) A computer readable medium containing a computer program for insuring landscape architectures, wherein the computer program comprises executable instructions for:
identifying a landscape architectural object;

determining a future value associated with the landscape architectural object based on at least one of a material cost associated with the landscape architectural object and an installation cost associated with an installing of the landscape architectural object in a landscape architectural setting;

determining a risk-of-loss associated with the landscape architectural object; and

assigning a premium cost to the object based on the determined future value and risk-of-loss.

IX. Evidence appendix

None.

X. Related proceedings appendix

None

XI. Conclusion

It is submitted that claims 101-132 and 134-142 are in condition for allowance and Notice to that effect is respectfully solicited.

Respectfully submitted,

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